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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,757	08/08/2001	Michael Cook	BAI525480/01652	2954

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EXAMINER

JONES III, CLYDE H

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/924,757	COOK, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clyde H. Jones III	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>PTO-1449/11-30-01</u>   | 6) <input type="checkbox"/> Other: ____                                     |

***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the wrong date is entered on the line under DATE OF FILING on page 1. "12 August 2001" should be corrected to --12 August 2000--.

***Claim Objections***

2. Claim 4 is objected to because of the following informalities: In claim 4, line 2 "said smart card" should be changed to --a smart card--.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Pre-amended claims 1-5, and 7-8, and new claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig at al. (US 6,260,111 B1), Jardine et al. (US 5,928,368) and Miura (JP 10-322932 A).

Considering claim 1:

Craig discloses, "An electrical apparatus (200 – fig. 2) for the processing of digital data, said electrical apparatus comprising: a processor (222) inserted into said electrical apparatus to render said electrical apparatus operable for connection to a processing capability (210) of the electrical apparatus to render the capability operational," (Craig – fig. 2 – fig. 3, step 302-306 – col. 6, lines 53-60). Craig further discloses a, "detection means (218) being provided in connection with a power supply to the electrical apparatus", the detection means (218) provides a power management energy level warning (col. 7, lines 53-53) and if a card is removed the detection means achieves orderly shut-down of the computer network (col. 8, lines 3-10).

Craig fails to specifically disclose that the detection means is provided in connection with (a) the main power supply, and (b) prior to rectification of the power supply and detection of failure or absence of AC pulses in the power supply, the processor capability or parts of the processor capability are shut down in a controlled manner of the electrical apparatus.

In an analogous art, Jardine discloses a detection means (26 – fig. 1) being provided in connection with the main power supply (20), and detection of failure or absence of AC pulses in the power supply, the processor capability or parts of the processor capability are shut down in a controlled manner of the electrical apparatus, for the advantages of providing a fault tolerant apparatus that prevents the loss of data and provides fast and more complete processor recovery from unavoidable shut-downs caused by total or momentary loss of main power (Jardine – fig. 2 & fig.3 – col. 3, lines 29-46 & col. 4, lines 44-57).

It would have been obvious at the time of the invention by one skilled in the art to modify the apparatus of Craig to include a detection means provided in connection with the main power supply, and detection of failure or absence of AC pulses in the power supply, the processor capability or parts of the processor capability being shut down in a controlled manner of the electrical apparatus as taught by Jardine for the added advantages of providing a simple and effective multi-processor system that is fail-safe, capable of shutting down in an orderly manner after receipt of a power fail warning and able to recover from power disruptions (Jardine – col.2, lines 16-25).

Craig in view of Jardine fail to specifically disclose that the detector detects the failure or absence of AC pulses in the power supply prior to rectification of the power supply.

In an analogous art, Miura discloses a detection means (40 – fig. 1) (b) performed prior to rectification (20) of the power supply and detection of failure or absence of AC pulses for supervising AC voltage in real time (paragraph, 0013-0014).

It would have been obvious at the time of the invention by one skilled in the art to modify the apparatus of Craig in view of Jardine to a detection means performed prior to rectification of the power supply for the added advantages of providing a signal indicating failure or absence of AC pulses in real time (Miura – paragraph 0014).

In regards to claim 2 the limitation “wherein said electrical apparatus is a broadcast data receiver”, reads on Craig in view of Jardine and Miura, in which Craig's apparatus (200) is a computer capable of receiving audio and video data transmitted to

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a number of recipients that belong to a large group or network (214 – fig. 2) such as the Internet.

In regards to claim 3, Craig in view of Jardine and Miura teach an electrical apparatus “wherein said shut-down procedures are performed prior to the mains power supply failure affecting said processor capability of said broadcast data receiver” (Jardine – col. 4, lines 27-32).

In regards to claim 4, Craig in view of Jardine and Miura teach the limitation “wherein said shut-down procedure includes shutting down said processing capability of the processor mounted on said smart card which is inserted into said broadcast data receiver and hence prevents damage to said processor.” Craig’s electrical apparatus processor 210 interconnected to smart card processor 222 (Craig –fig. 2) both receive Jardine’s power fail signal from the detector (26 – Jardine), which initiates the shut-down of the affected processors (col. 3, lines 46-49) to prevent damage or loss (Jardine – col. 4, lines 49-51).

In regards to claim 5, the further limitation, “other shut-down procedures can be implemented,” reads on Craig in view of Jardine and Miura wherein Jardine’s system performs additional procedures/steps in addition to shutting down the processors (Jardine- fig. 3, step 50 – col. 6, lines 2-7).

In regards to claim 7, the limitation “wherein data relating to user selections being stored in a storage means as part of said shut down procedure” reads on Craig in view of Jardine and Miura - Craig’s apparatus and smart card in which user selections/preferences (Craig – col. 6, lines 49-50) are saved on the smart card (Craig – fig. 3, 302) and Jardine’s power fail warning initiates the saving of data as part of the shut-down procedure (Jardine – fig. 2-3, step 44 - col. 4, lines 47-48).

In regards to claim 8, “A broadcast data receiver, said receiver provided for the reception and processing of digital data for the generation of video, audio and auxiliary functions. . .,” reads on Craig’s apparatus which receives broadcast data (- claim 1) and is enabled to process and generate video, audio content, and auxiliary functions (Craig – col. 6, lines 26-29) and the further limitations “said receiver comprising: a processor integrated circuit inserted into said broadcast data receiver for connection to the processing capability within the receiver and wherein detection means are provided in connection with the mains electricity supply to the receiver, prior to rectification and wherein upon detection of failure of AC pulses in the power supply, the processor capability, or parts of the processor capability of the broadcast data receiver are shut down” read on the combination of Craig in view of Jardine and in further view of Miura as discussed above (see claim 1).

In regards to claim 9, the limitation, “wherein said processor is provided as part of a smart card,” reads on Craig in view of Jardine and Miura, in which Craig’s apparatus

200 (Craig – fig. 2) receives a smart card 220 inserted into it with a processor 222 mounted on it.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (US 6,260,111 B1) in view of Jardine et al. (US 5,928,368) and Miura (JP 10-322932 A), and in further view of Montulli (US 6,134,592).

Craig in view of Jardine and Miura disclose storing the current operating state data as part of shut-down procedure as taught by Jardine (see step 44' – fig. 3).

However, Craig in view of Jardine and Miura fail to specifically disclose “data relating to a channel which is being viewed at the instant of a power failure.”

In an analogous art, Montulli discloses a means for saving state data in the form of cookies (col. 7, lines 21-23), which contain data relating to a specific website viewed at an instant (col. 7, lines 40-43) for the purpose of enabling a computer to completely shutdown and restore the state information when the website is later accessed by the computer (col. 7, lines 43-44 & 58-60). Montulli further discloses that that the cookies are transmitted over channels (col. 9, lines 12-13).

It would be obvious by one skilled in the art at the time of invention to modify the apparatus of Craig in view of Jardine and Miura to include the saving of data relating to a channel which is being viewed (as taught by Montulli) at the instant of a power failure for the advantage of saving state data related to the channel being viewed, allowing the return to pre-shutdown state, and inter alia, to keep track of information pertaining to the user upon return to the website (Montulli – col. 7, lines 57-60).




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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHRIS GRANT  
PRIMARY EXAMINER